



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STRAUB & POKOTYLO
788 SHREWSBURY AVENUE
TINTON FALLS, NJ 07724

COPY MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Kaushik Ghosh, et al.	:	
Application No. 09/885,485	:	DECISION ON PETITION
Filed: June 20, 2001	:	
Attorney Docket No. Juniper-11 (JNP-0105)	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed August 5, 2009, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

A review of the record shows that a decision by the Board of Appeals and Interference was mailed on July 7, 2009, which set a two month (2) shortened statutory period for reply. Accordingly, a reply was due on or before September 7, 2009. Accordingly, the Notice of Abandonment was premature because statutory period for reply was not expired.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the decision by the Board of Appeals and Interference of July 7, 2009 is hereby **withdrawn** and the application restored to pending status.

In view of the above, the petition is **GRANTED**.

The reply received with the petition will be accepted to have been electronically filed on August 5, 2009 is considered to be timely filed.

It is also noted that petitioner filed a petition under the unavoidable provisions of 37 CFR 1.137(a) along with the required petition fee of \$540. The petition and petition fee is deemed unnecessary and will be refunded to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2117 for appropriate action by the Examiner in the normal course of business on the amendment submitted August 5, 2009.

/dab/

David Bucci

Petitions Examiner

Office of Petitions